IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 4TH OCTOBER 2007 / 12TH ASWINA 1929

Bail Appl..No. 6005 of 2007()

CMP.4542/2007 of J.M.F.C.-III,THRISSUR
CRIME NO.591/07 OF THE PEECHI POLICE STATION

.....

: PETITIONER/PETITIONER/ACCUSED

SEBASTIAN K.J., PASTOR,
KANDATHIL HOUSE, PEEDIKAPARAMBIL DESOM,
OLLUKKARA VILLAGE, THRISSUR TALUK.

BY ADV. SRI.DILIP J. AKKARA

RESPONDENTS: RESPONDENT/STATE

THE STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 04/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

B.A. NO. 6005 of 2007

Dated this the 4th day of September, 2007

ORDER

Application for regular bail. The petitioner – a Pastor, faces allegations for offences punishable, inter alia, under Secs.376 and 406 of the IPC. The crux of the allegations against the petitioner is that the de facto complainant – a widow, was induced to have sexual relationship with the petitioner on 6/11/06 and on 8 later occasions. Such sexual intercourses were not consensual sexual intercourses; but the consent of the petitioner was extracted under threat and duress. The victim had wanted a loan to be availed. The petitioner had exploited his position and had indulged in the alleged sexual relationship. The series of rapes commenced on 6/11/06. A complaint was filed long later on 13/9/07. The petitioner was arrested on 21/9/07. He continues in custody from that date.

2. The learned counsel for the petitioner prays, the

learned Public Prosecutor does not oppose the said prayer and I am satisfied, in the facts and circumstances to which I have made a brief reference above, that the petitioner can now be enlarged on bail subject to appropriate terms and conditions.

3. **In the result:**

(a) The application is allowed.

(b) The petitioner shall be released on bail on the following terms and conditions:

(i) The petitioner shall execute a bond for Rs.50,000/- with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(ii) The petitioner shall make himself available for interrogation before the Investigating Officer on all Mondays and Fridays between 10 a.m. and 12 noon for a period of two months and thereafter as and when directed by the Investigating Officer in writing to do so.

(R. BASANT, JUDGE)

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